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Paper No. 05182004

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Raleigh, North Carolina 27627

Appl No.: 10/001920  
Inv.: Ammann et al.  
Filed: October 31, 2001  
For: Device Comprising an Electrical Circuit Carried By a  
Carrier Element and Method For the Manufacture of Such  
a Device

**DECISION ON PETITION  
UNDER 37 CFR 1.26**

This is a decision on the applicant's "Petition to Refund of the Notice of Appeal Fee and Withdrawal of the Notice of Appeal" filed under 37 CFR 1.26 filed April 16, 2004. The applicant requests that the Notice of Appeal fee of \$330.00 be refunded as there was a problem in the responding to a timely filed after final amendment. The facts as supported by the USPTO records and highlighted by the applicant's petition are:

A Final Rejection of the claims was mailed out on September 26, 2003;

Applicants filed and amendment after final on November 12, 2003 which is within two months due date for response;

Applicants, to protect their invention and prevent potential abandonment of their invention, filed a Notice of Appeal with associated fee (\$330.00) on February 25, 2004;

On April 7, 2004, an office action reopening prosecution and instituting a new ground of rejection was mailed.

After a careful review of the above facts, the petition is hereby **granted**.

The pending file has been returned to TC 2800 Central files to await a response to the Office action of April 7, 2004.

Matthew S. Smith

Supervisory Primary Examiner AU 2825

Technology Center 2800

A handwritten signature in black ink, appearing to read "Matthew S. Smith". The signature is fluid and cursive, with the first name "Matthew" and last name "Smith" clearly distinguishable.

MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800